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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

XPAYS, INC., a Delaware Corporation,

Plaintiff,

vs.

DOES 1 through 995,

Defendants.

CASE NO. CV 11-5880 ODW (FFMx)

[Assigned to the Honorable Otis D. Wright II, Courtroom 11]

PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION TO QUASH SUBPOENA AND SEVER DEFENDANTS

Date: November 21, 2011
Time: 10:00 a.m.
Courtroom: E, 312 N. Spring Street, Los Angeles, CA

Complaint Filed: July 18, 2011
Trial Date: Not Set

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TO ALL INTERESTED PARTIES HEREIN AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:

Plaintiff, XPAYS, INC. submits the following Memorandum of Points and Authorities in opposition to Defendant's Motion to Quash Subpoena or Sever Defendants ("Motion") as follows.

I.

INTRODUCTION

The moving party ("Movant") has filed a motion to quash an outstanding nonparty subpoena issued by Plaintiff to Verizon Online LLC ("Verizon") by and through its attorneys Law Offices of Michael W. Fattorosi. Further, the Motion seeks to sever defendants. However, the Motion is fatally flawed. First, it was filed in violation of the Federal Rules of Civil Procedure, multiple Local Rules and Plaintiff's due process rights. Second, the Motion provides no basis for a motion to quash pursuant to Fed.R.Civ.P. 45(c)(3) and no basis for a protective order pursuant to Fed.R.Civ.P. 26(c). Third, the arguments concerning improper joinder fail in that they are premature and do not address the third cause of action which implicates concerns regarding sexually explicit content and the record-keeping requirements of 18 U.S.C. § 2257. Thus, the Motion should be denied.

II.

STATEMENT OF RELEVANT FACTS AND PROCEDURAL HISTORY

The Complaint in this matter was filed on July 18, 2011. The Complaint alleges (1) copyright infringement, (2) contributory copyright infringement, and (3) unfair business practices as a result of each defendant's unauthorized and unlawful distribution of Plaintiff's motion picture. In particular, the third cause of action is based upon each defendant's alleged criminal violation of the federal record-keeping requirements set forth in 18 U.S.C. § 2257 and 28 C.F.R. §§ 75, et seq. as a "secondary producer" (as that term is defined in 28 C.F.R. § 75.1(c)(2)) of the at-issue motion picture. At the time of the filing of the Complaint, the defendants were known to Plaintiff only by the ("IP")

address assigned to each defendant by his or her Internet Service Provider ("ISP") on the date and time at which the infringing activity of each defendant was observed. Based thereon, these defendants were named as Doe Defendants.

On July 20, 2011, Plaintiff filed an ex parte application for expedited discovery [DE 6] for the purpose of subpoenaing the identifying information for the Doe Defendants from their respective ISPs. On July 21, 2011, the Court issued an Order granting Plaintiff's application for early discovery. Thereafter, subpoenas were issued by Plaintiff to the relevant ISPs, including Verizon, for each Doe defendant's Internet subscriber information. The at-issue Verizon subpoena was issued from the United States District Court for the Northern District of Texas.

On October 25, 2011, United States Magistrate Judge, Frederick F. Mumm, denied a defendant's motion to quash the same at-issue Verizon subpoena [DE 22].

III.

THE MOTION SHOULD BE DENIED IN FULL BECAUSE IT WAS FILED IN VIOLATION OF THE LOCAL RULES, THE FEDERAL RULES OF CIVIL PROCEDURE, AND PLAINTIFF'S DUE PROCESS RIGHTS

A. The Motion Should Be Stricken Because it Was Not Signed by Counsel as Required by Fed.R.Civ.P. 11(a), Local Rule 11-1 and General Order 10-07, II(F).

Fed.R.Civ.P. 11(a) provides, in relevant part, "Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name." Failure to comply with this Rule is grounds for striking the unsigned paper. Fed.R.Civ.P. 11(a). Likewise, Local Rule 11-1 provides, "All documents, except declarations, shall be signed by the attorney for the party or the party appearing pro se. The name of the person signing the document shall be clearly typed below the signature line." Pursuant to General Order 10-07, II(F), an "Electronic Signature" must include "the person's representative signature, '/S/ - Name,' or a digitized personal signature or facsimile signature on the signature line of the document."

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The Declaration of Michael B. Stone in support of the Motion contains an Electronic Signature as defined by General Order 10-07, II(F). However, the Notice of Motion and Motion is not signed and does not contain such an Electronic Signature. Accordingly, the Motion should be stricken pursuant to Fed.R.Civ.P. 11(a)

B. The Motion Should Be Denied Because Defendant's Counsel Did Not Meet and Confer Prior to Filing the Motion Pursuant to Local Rule 7-3.

Local Rule 7-3 provides that counsel contemplating the filing of a motion shall meet and confer with opposing counsel ten (10) days prior to filing the motion. Further, the notice of motion must contain a statement about this conference of counsel. Counsel for the moving party did not meet and confer about the filing of the Motion, nor does the notice of motion contain the required statement pursuant to Local Rule 7-3. Instead, paragraph 3 of Mr. Stone's declaration admits that he did not meet and confer concerning the motion. Accordingly, the Motion should be denied.

C. The Motion Should Be Denied Because it Does Not Give Proper Notice to Plaintiff as Required by Local Rule 6 and Fundamental Due Process.

Local Rule 6 provides that a motion "shall" be filed with the Clerk of the Court and served "not later than twenty-eight (28) days" before the date set for hearing. The Motion was filed and served on October 28, 2011, with a noticed hearing date twenty-four (24) days later – on November 21, 2011. Thus the Motion was filed without giving Plaintiff proper notice of the motion.

As a direct result of not giving Plaintiff's proper notice, Plaintiff are given an unreasonable amount of time to oppose the Motion. Pursuant to Local Rule 7-9, opposing papers are due twenty-one (21) days before the noticed hearing date. With a noticed hearing date of November 21, 2011, Plaintiff's opposition is due on October 31, 2011 – one (1) business day after the Motion was filed. The due process clause of the Fourteenth Amendment requires proper notice of a motion, including a reasonable amount of time to oppose it. *See Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) (An elementary and fundamental requirement of due process is

notice reasonably calculated to afford the interested parties a reasonable time to oppose a proceeding.)

Accordingly, as the Motion was filed in violation of Local Rule 6, which further violates Plaintiff's due process rights, the Motion should be denied.

IV.

DEFENDANT'S MOTION TO QUASH SHOULD BE DENIED BECAUSE IT PROVIDES NO BASIS TO QUASH THE SUBPOENA OR FOR THE COURT TO ISSUE A PROTECTIVE ORDER

The Motion requests that this Court quash the subpoena, or alternatively protect the Movant's identity, pursuant to Fed.R.Civ.P., Rules 11(b) and 26(c)(1). Despite only making arguments concerning improper joinder in support of this request, the motion to quash, or alternatively for a protective order, fails for the following reasons: (1) the subpoena places *no* burden on the Movant, let alone an undue one; (2) there is no right to privacy in Internet subscriber information; (3) counsel for the Movant did not meet and confer about a protective order as required by Fed.R.Civ.P. 26(c)(1); (4) the proper forum for the motion to quash is in the United States District Court for the Northern District of Texas; and (5) the Rule 11 argument is frivolous.

A. The Motion to Quash Should Be Denied Because it Places No Burden on the Movant.

Although not explicitly set forth in the motion, the Motion is presumably seeking to quash the subpoena pursuant to Fed.R.Civ.P. 45(c)(1) for being an undue burden to the Movant. However, the subpoena does not require *any* obligation from the Movant. Rather, the subpoena was directed at the putative defendant's ISP. Not surprisingly, the Motion does not cite a single fact in support of any burden placed on the Movant by the subpoena. Further, the Motion makes no legal arguments in support of a motion to quash for undue burden. Instead, the Motion merely makes arguments concerning improper joinder in purported support of the motion to quash. Accordingly, as there is

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no burden on the Movant, let alone any undue one, Rule 45(c)(1) this provides no basis for the Movant to quash the subpoena. Thus, the motion to quash should be denied.

B. The Motion to Quash Should Be Denied Because There Is No Expectation of Privacy in Internet Subscriber Information.

The Motion alternatively moves for a protective order protecting the Movant's identity pursuant to Fed.R.Civ.P. 26(c)(1). The Motion cites no facts or law in support of such a protective order. This is not surprising considering that the law on the issue is well-settled.

> Federal courts that have considered the question have unanimously held that a person has no expectation of privacy in Internet subscriber information. See *Guest v. Leis*, 255 F.3d 325, 336 (6th Cir.2001); *Freedman v. America Online, Inc.*, 412 F.Supp.2d 174, 181 (D.Conn.2005); *United States v. Sherr*, 400 F.Supp.2d 843, 848 (D.Md.2005); *United States v. Cox*, 190 F.Supp.2d 330, 332 (N.D.N.Y.2002); *United States v. Kennedy*, 81 F.Supp.2d 1103, 1110 (D.Kans.2000); *United States v. Hambrick*, 55 F.Supp.2d 504, 508-09 (W.D.Va.1999), aff'd 225 F.3d 656 (4th Cir.2000). These cases draw on settled federal law that a person has no reasonable expectation of privacy in information exposed to third parties, like a telephone company or bank. See *Smith v. Maryland*, 442 U.S. 735, 742, 99 S.Ct. 2577, 61 L.Ed.2d 220 (1979) (finding no privacy interest in telephone numbers dialed); *United States v. Miller*, 425 U.S. 435, 442, 96 S.Ct. 1619, 48 L.Ed.2d 71 (1976) (finding no privacy interest in bank records).

Courtright v. Madigan, 2009 WL 3713654 (S.D.Ill, 2009); *see also Voltage Pictures, LLC v. Does 1-5,000*, 2011 WL 1807438, at *2 (D.D.C. May 12, 2011).

The at-issue subpoena requests the Movant's Internet subscriber information from Verizon, Movant's purported ISP. The reasoning of *Courright* is directly applicable to the facts in this matter. Movant is claiming that his/her personal Internet subscriber information is private and privileged information. However, Movant has provided this information to Verizon, a third-party ISP. Thus, like in *Courright*, Movant has no expectation of privacy in his/her Internet subscriber information. Accordingly, Movant is not entitled to a protective order for his/her identity.

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C. The Motion for a Protective Order Should Be Denied Because Counsel Did Not Properly Meet and Confer.

A motion for a protective order "must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action." Fed.R.Civ.P. 26(c)(1). As noted above, Movant's counsel did not meet and confer with Plaintiff's counsel concerning the Motion. This is admitted by paragraph 3 of Mr. Stone's declaration. The request for a protective order accordingly does not contain the proper certification. Accordingly, the request for a protective order should be denied.

D. Defendant's Motion to Quash Should Be Denied Because it Is Brought in the Wrong Forum.

The at-issue subpoena was issued from the United States District Court for the Northern District of Texas. Pursuant to Fed.R.Civ.P. 45(c)(2)(B), "disputes over discovery from a non-party are decided by the court which issued the subpoena, unless the non-party consents that the matter be resolved by a court in another district." *Teoco Corp. v. Razorsight Corp.*, 2008 U.S. Dist. LEXIS 109370, *2 (N.D. Cal. Mar. 17, 2008). "Rule 45(c) does provide that subpoenas should be enforced by the district court which issued them . . ." *Platinum Air Charters, LLC v. Aviation Ventures, Inc.*, 2007 U.S. Dist. LEXIS 2298, *8 (D. Nev. Jan. 10, 2007; *Best Western Int'l v. Doe*, 2006 U.S. Dist. LEXIS 56014, *5 (D. Ariz. July 25, 2006). In the instant matter, the Movant has provided no evidence that Verizon, the nonparty to whom the subpoena was issued, has consented to this dispute being heard in the United States District Court for the Central District of California. Instead, it is properly heard in the Northern District of Texas. Thus, the motion to quash should be denied.

E. The Motion's Rule 11 Request Should Be Denied as Frivolous.

The motion made pursuant to Rule 11 is a frivolous one. Rule 11 motions "must be made separately from any other motion" and have strict notice requirements. Fed.R.Civ.P. 11(c). No such separate motion was noticed, filed or served. Ironically,

as set forth above, the moving papers were not even signed by counsel pursuant to Rule 11. Thus, the request for relief under Rule 11 must be denied.

V.

MOVANT'S IMPROPER JOINDER ARGUMENT FAILS BECAUSE IT IS PREMATURE AND BECAUSE OF THE IMPLICATION OF 18 U.S.C. § 2257

Movant cites to a case from the Northern District of California for the proposition that merely alleging the use of BitTorrent to download the same motion picture is insufficient to establish joinder amongst defendants. This argument fails for two reasons: (1) it is premature while the discovery of Doe Defendants' identities is underway, and (2) the case cited by Movant applies to causes of action for copyright infringement but fails to address the third cause of action which implicates concerns regarding sexually explicit content and the record-keeping requirements of 18 U.S.C. § 2257. In addition, Movant's purported due process concern is unevidenced and frivolous.

A. Movant's Misjoinder Argument Fails Because it Is Premature at this Stage of the Proceedings.

Movant's misjoinder argument is premature. Plaintiff's allegations that the Doe Defendants have infringed Plaintiff's copyrighted motion picture through the same file-sharing protocol has been held sufficient to sustain joinder while discovery of Doe Defendants' identities is underway. *MCGIP, LLC v. Does 1-18*, 2011 WL 218160 at *4 (N.D. Cal. June 2, 2011)). Thus, Movant can only raise his/sher misjoinder claim after the Doe Defendants have been named and served.

Some courts have accepted the assertion that Doe defendants who have participated in the same swarm to download a copyrighted work may properly be joined under Rule 20(a), notwithstanding the authority that reaches a contrary conclusion with respect to earlier peer-to-peer technologies. See, e.g., *MCGIP, LLC. v. Does 1-18*, 2011 WL 2181620 (N.D. Cal. June 2, 2011); *Voltage Pictures, LLC v. Does 1-5,000*, 2011

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WL 1807438 at *5 (D.D.C. May 12, 2011); *Call of the Wild Movie, LLC v. Does 1-1,062*, 770 F. Supp. 2d 332 (D.D.C. Mar. 22, 2011).

In *MCGIP*, the court denied a Doe defendant's motion to quash a subpoena issued by the plaintiff to the Doe defendants' ISPs seeking to identify the Doe defendants in the case. *MCGIP*, 2011 WL 2181620 at *1. The court rejected the Doe defendant's argument that the motion to quash should be granted on the basis of improper joinder, reasoning that while joinder might be found improper at a later stage of the case, when the identities of the Does had been determined, the allegation "that the Doe [d]efendants have infringed [p]laintiff's copyright through 'the same file sharing software program [i.e., BitTorrent] that operates through simultaneous and sequential computer connections and data transfers among the users'" was sufficient to satisfy Rule 20(a) at the pleading stage. *Id.*

Similarly, in *Voltage*, the court found joinder under Rule 20(a)(2) was proper where the Doe defendants allegedly downloaded and distributed plaintiff's copyrighted movie using BitTorrent technology. *See Voltage*, 2011 WL 1807438 at *5. After the court granted the plaintiff leave to subpoena the ISPs in order to identify the putative defendants, 119 putative defendants filed motions to quash the plaintiff's subpoenas. *Id.* at *1-2. Seven of the putative defendants argued that they should be dismissed for improper joinder. *Id.* at *4. The court, however, found joinder to be proper. *Id.* In permitting Rule 20(a)(2) joinder, the court relied on the standard set forth in *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715 (1966), where the Court held that "[u]nder the [Federal] Rules [of Civil Procedure], the impulse is toward entertaining the broadest possible scope of action consistent with fairness to the parties; joinder of claims, parties and remedies is strongly encouraged." *United Mine Workers of Am.*, 383 U.S. at 724. The court also cited Rule 20(a)(2)(A), stating that it "essentially requires claims asserted against joined parties to be 'logically related.'" *Voltage*, 2011 WL 1807438, at *5 (citing

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Disparte v. Corporate Exec. Bd., 223 F.R.D. 7, 10 (D.D.C. 2004)). The *Voltage* court stated:

> the plaintiff allege[d] that the putative defendants used the BitTorrent file-sharing protocol to distribute illegally the plaintiff's motion picture . . . This file-sharing protocol 'makes every downloader also an uploader of the illegally transferred file(s). This means that every . . . user who has a copy of the infringing copyrighted material on a torrent network must necessarily also be a source of download for that infringing file.'

Id. (quoting plaintiff's complaint). The court therefore permitted the Rule 20(a)(2) joinder because

> [b]ased on [plaintiff's allegations], the plaintiff's claims against the putative defendants are logically related at this stage in the litigation. . . . [and] at this procedural juncture the plaintiff has sufficiently alleged that its claims against the putative defendants potentially stem from the same transaction or occurrence, and are logically related.

Id.

Finally, in *Call of the Wild Movie*, after granting the plaintiffs' motion for expedited discovery to obtain identifying information about the Doe defendants in three pending copyright infringement cases, the court denied the ISPs' motion to quash or modify the subpoena. *Call of the Wild Movie*,770 F. Supp. 2d at 338. The ISPs and amici urged the court to quash the subpoenas based, in part, upon improper joinder, arguing "that engaging in 'separate but similar behavior by individuals allegedly using the Internet to commit copyright infringement' does not satisfy Rule(a)(2)(A)'s requirement that the claim asserted against the joined defendants arise out of the same transaction, occurrence, or series of transactions or occurrences.'" *Id.* at 342-43. However the court rejected this argument. Like the *Voltage* court, the court in *Call of the Wild Movies* found that Rule 20(a)(2)(A) "essentially requires claims asserted against joined parties to be 'logically related' . . . [and that] [t]his is a flexible test and courts seek the 'broadest possible scope of action.'" *Id.* at 342 (citing *Disparte*, 223 F.R.D. at 10; *Lane v. Tschetter*, 2007 WL 2007493, at *7 (D.D.C. July 10, 2007)). The

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court then found plaintiffs' allegation

> that the BitTorrent file-sharing protocol 'makes every downloader also an uploader of the illegally transferred file(s)'. . . [and] that the 'nature of a BitTorrent protocol [is that] any seed peer that has downloaded a file prior to the time a subsequent peer downloads the same file is automatically a source for the subsequent peer so long as that first seed peer is online at the time the subsequent peer downloads a file'

was sufficient to establish that "the plaintiffs' claims against the defendants are logically related." *Call of the Wild*, 770 F. Supp. 2d at 343 (quoting complaint). The court further found the plaintiffs met the requirement that the claims against the putative defendants contain a common question of law or fact, and that joinder would not prejudice the parties or result in needless delay. *Id.* While the court recognized "that each putative defendant may later present different factual and substantive legal defenses . . . that does not defeat, at this stage of the proceedings, the commonality in facts and legal claims that support joinder under Rule 20(a)(2)(B)." *Id.* at 344.

Thus, like in *MCGIP*, *Voltage* and *Call of the Wild*, Plaintiff has properly alleged sufficient facts to permit joinder of the Doe Defendants at this stage of the litigation. *See* Complaint, ¶¶ 18-22. Specifically, like in *Voltage*, Plaintiff has alleged that, "The effect of this [BitTorrent] technology makes every downloader also an uploader of the content." Complaint ¶ 21. Thus, like in *MCGIP*, *Voltage* and *Call of the Wild*, Movant's improper joinder argument is premature at this stage of the pleadings and should be denied.

B. Movant's Misjoinder Argument Fails Because of 18 U.S.C. § 2257.

Unlike the case cited by Movant, the Complaint in this matter sets forth a cause of action for unfair business practices based upon each Doe Defendant's criminal violation of the federal record-keeping requirements set forth in 18 U.S.C. § 2257 and 28 C.F.R. §§ 75, et seq. Considered in light of these laws, the Doe Defendants' actions must arise from at least the same series of transactions or occurrences. To hold otherwise would provide producers of sexually explicit content a technological loophole

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to avoid compliance with these laws. Accordingly, the Doe Defendants are properly joined in this matter.

A summary of the history and purpose of 18 U.S.C. § 2257 is set forth in *Connection Distributing Co. v. Holder*, 557 F.3d 321, 324-326 (6th Cir. 2009) and *Free Speech Coalition v. Gonzales*, 483 F.Supp.2d 1069, 1073-1074 (10th Cir. 2007). In essence, 18 U.S.C. § 2257 is the codification of the Child Protection and Obscenity Enforcement Act (the "Act"), passed in 1998. This law was passed to address concerns concerning the production of child pornography by creating reporting and verification requirements for producers of sexually explicit content. *Connection Distributing*, 557 F.3d at 325. Such sexually explicit content includes computer-based images, as well as non-commercial pornography (that is, pornography distributed for non-pecuniary purposes). *Id.* at 326, 338. Significantly, even parts of pictures implicate the Act. *Id.* at 332.

The Act applies to both "primary" and "secondary" producers of sexually explicit content. *Id.* at 325. Under the regulations, a "secondary producer" includes "any person who assembles, . . . publishes, duplicates, [or] reproduces" sexually explicit films. 28 C.F.R. § 75.1(c)(2). A "secondary producer" also includes any person who enters into a conspiracy to do any of these acts. *Id.*

As alleged in the Complaint, each of the Doe Defendants have downloaded the at-issue sexually explicit motion picture via BitTorrent. Complaint ¶¶ 18-22. Specifically, files are downloaded and uploaded by each Doe Defendant in hundreds of individual pieces. *Id.* at 21. In doing so, each Doe Defendant is assembling, publishing, duplicating and/or reproducing the sexually explicit motion picture. Due to the nature of the BitTorrent program, each Doe Defendant has effectively conspired to do so as well.

Based on these actions, the Doe Defendants are secondary producers of the content by definition pursuant to 28 C.F.R. § 75.1(c)(2). To hold otherwise would mean that "secondary producers" of explicit content would be able to distribute their work via

BitTorrent without complying with Act. Clearly this flies in the face of the plain language and purpose of the Act.

Further, the distribution of the motion picture via BitTorrent by numerous people over time must be seen to be arising from at least the same series of transactions or occurrences. To hold otherwise would create perverse results for the distribution of sexually explicit content. For example, it would allow multiple "secondary producers" of sexually explicit content who are unknown to each other to each distribute small portions of the content via BitTorrent over time without complying with the Act. Each piece of the content could be so small, a pixel even, so as to not implicate the Act on its own. However, once assembled by the BitTorrent program, it would allow for the viewing of the content as a whole. Once assembled, the entirety of this content would require compliance with the 18 U.S.C. § 2257. This is problematic in that it is unclear which of the multiple "secondary producers" would be responsible for compliance with the Act. The language of the Act indicates that they all have this responsibility. *See Connection Distributing*, 557 F.3d at 332 (even parts of pictures implicate the Act). To hold otherwise would mean none of them do. Such a holding would lead to further due process implications in that "primary producers" are forced to bare the expense of complying with the Act whereas "secondary producers" are not forced to do the same even though the Act requires it.

Thus, to provide uniformity with the Act, the Doe Defendants must have acted at least pursuant to the same series of transactions or occurrences as "secondary producers" of the content. To hold otherwise creates a loophole for the distribution of sexually explicit content without compliance with the Act. Accordingly, Movant's argument about improper joinder fails.

C. Movant's Due Process Arguments Are Unevidenced and Frivolous.

The Motion argues that the joinder of defendants in this action violates the Movant's due process and equal protection rights because the Movant receives no discount on the Court's fees. This argument is frivolous. The Motion does not discuss

what fees violate Movant's dues process rights nor evidence the payment of any such fees by Movant. This argument provides no basis for severing any defendants.

VI.

CONCLUSION

Movant has failed to cite any authority to provide a basis for quashing the subpoena, issuing a protective order or severing defendants at this stage of the proceedings. Based on the foregoing, Movant's Motion should be denied.

Dated: October 31, 2011

KUZNETSKY LAW GROUP, P.C.

By: /s/ Michael D. Kuznetsky
Michael D. Kuznetsky, Attorney for Plaintiff, XPAYS, INC., a Delaware Corporation

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing documents described as **PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION TO QUASH SUBPOENA AND SEVER DEFENDANTS** with the Clerk of the Court for the United States District Court for the Central District of California by using the CM/ECF system on October 31, 2011.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

Executed on October 31, 2011, at Toluca Lake, California.

/S/ Michael Kuznetsky
MICHAEL D. KUZNETSKY